

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

WILLIAM MICHAEL HOBSON,

Appellant,

VS.

STATE OF TENNESSEE,

Appellee.

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C.C.A. NO. 01C01-9711R-049
(No. 2564 Below)
DAVIDSON COUNTY
The Hon. Thomas H. Shriver, 1998
(Dismissal of Habeas Corpus Petition)
AFFIRMED PURSUANT TO RULE 20
Cecil W. Crowson

FILED
July 14, 1998
Cecil W. Crowson
Appellate Court Clerk

ORDER

This matter is before the Court upon the state's motion requesting that the judgment in the above-styled cause be affirmed pursuant to Rule 20, Tennessee Court of Criminal Appeals Rules. Finding that the issue raised on appeal has become moot, we grant the state's motion.

The petitioner's sentence expired on May 18, 1998, at which time he was released from the custody of the Department of Correction. Accordingly, this appeal is moot. See McIntyre v. Trauber, 884 S.W.2d 134, 137 (Tenn. App. 1994) ("[a] case will generally be considered moot if it no longer serves as a means to provide relief to the prevailing party"). "Cases must be justiciable not only when they are first filed but must also remain justiciable throughout the entire course of the litigation, including the appeal." Id.

It is apparent in the present case that this Court could not provide relief to the petitioner even if we did find that the trial court erred by dismissing his petition for writ of habeas corpus.

IT IS, THEREFORE, ORDERED that the state's motion to affirm the judgment of the trial court under Rule 20, Tennessee Court of Criminal Appeals Rules, is granted, and the appeal is dismissed. It appearing that the petitioner is indigent, costs of these proceedings are taxed to the state.

DAVID H. WELLES, JUDGE

CONCUR:

JERRY L. SMITH, JUDGE

THOMAS T. WOODALL, JUDGE